IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 759/2004
MUMTAZ KHAN Vs. STATE OF RAJASTHAN

DATE: 29.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. A.N. Khan for the accused-petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.
Mr. Anil Sharma for the complainant.

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In brief the facts of the case are that on 11.05.87 complainant Khinva Ram filed a complaint alleging therein that the police personnels made fire on innocent boys and due to this, one Kana Ram had died and one Nandlal sustained injuries. Statements of the complainant and his witnesses were recorded under Section 200 and 202 Cr.P.C. After recording the statements of the witnesses, the learned Magistrate vide its order dated 11.12.89 took cognizance of offence under Sections 323 and 302/114 IPC against the petitioner. This order was challenged by the petitioner by way of filing revision and the same was decided on 16.1.91 remanding the matter back with a direction to decide the matter afresh after giving opportunity of hearing to the parties. ON receiving the remand order the learned Magistrate after initiating the proceedings under Sections 82 and 83 Cr.P.C. committed the case for trial and the learned trial Court recorded the

statements. The arguments were heard on framing of charge and after arguments, the Additional District & Sessions Judge (Fast Track), Sikar vide its order dated 22.07.2004, framed charge against the accused-petitioner under Section 109/302 IPC.

Being aggrieved and dissatisfied with the said order dated 22.07.2004, the present revision petition has been preferred by the accused-petitioner under Section 397 r/w Section 401 Cr.P.C.

Upon careful perusal of the impugned order by which charge under Section 109/302 IPC has been framed against the petitioner and after going through the record of the case and after appreciating the evidence of the witnesses as well as the documents available on record, it appears that prima-facie case is made out against the accused-petitioner and, therefore, the charge for the offence under Section 109/302 IPC has been framed against the petitioner by the trial Court.

Thus, I find no illegality or error in the impugned order dated 22.07.2004 and the same requires no interference whatsoever by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

Record be sent back forthwith.

(K.S. RATHORE),J.

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